

Chapter 13 Case No: 22-12769

Debtors: Dean A Vitale & Patricia Vitale

**CHAPTER 13 PLAN TRANSMITTAL LETTER**

Second Notice to Creditors affected by Motions in Chapter 13 Plans:

**You should have previously received from the court a copy of the plan proposed by the Debtors and a Notice of Hearing on Confirmation.**

**The enclosed plan is a copy of the one sent to you by the court. It has been served upon you again because the plan contains motions that may effect your interest adversely. Specifically, the Debtors have valued real property located at 206 Adirondack Avenue, Spotswood, NJ 08884 at \$426,800.00. The Debtors believe the first lein on the property to be in the approximate amount of \$423,714.30: and the Debtors believe the judgment liens on the property to be in the approximate amount of \$59,720.10. As such, the Debtors believe there is inadequate equity available to satisfy your lien and seeks through the plan to reduce, modify or eliminate your lien.**

**The debtors valuation of the property is based upon (a) CMA; (b) BPO; (c) appraisal or (d) other\_\_\_\_\_, a copy of which is attached. All forms of the relief sough by motion appear in Part 7 of the plan.**

**The Confirmation Hearing has been scheduled for September 21, 2022. Objections to any relief sought in the plan, including relief sought by motion, must be filed seven days prior to Confirmation Hearing.**

**YOU SHOULD CONSULT WITH YOUR ATTORNEY PROMPLTY, SINCE ENTRY OF AN ORDER OF CONFIRMATION WILL BIND TO ALL OF THE TERMS OF THE CONFIRMED PLAN.**



< Spotswood

trulia



FORECLOSURE BANK OWNED 0.34 ACRES

5

## 206 Adirondack Ave

Spotswood, NJ 08884

**\$426,800**

Trulia Estimate ⓘ

as of Apr 4, 2022

▲ 1,618 sqft

(on 0.34 acres)

### Local Information

Map

Schools

Shop & Eat



🚗 -- mins to Commute Destination

INRIX

#### New Local Information



Get faster access to local insights and see your commute to anywhere on every listing.



< Spotswood



This single-family home is located at 206 Adirondack Ave, Spotswood, NJ. 206 Adirondack Ave is in Spotswood, NJ and in ZIP code 08884. It is currently for sale and has been listed on Trulia for 59 days. This property has approximately 1,618 sqft of floor space. This property has a lot size of 0.34 acres and was built in 1957.

[View our Foreclosure Guides](#)

### Home Highlights

Parking	No Info
Outdoor	No Info
A/C	No
HOA	None
Price/Sqft	No Info

### Home Details for 206 Adirondack Ave

#### Days on Market

- Days on Market: 59 Days on Trulia

#### Property Information

##### Year Built

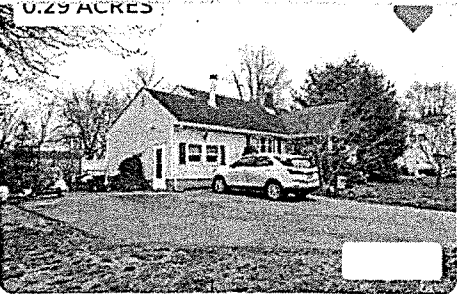
- Year Built: 1957

See All



< Spotswood

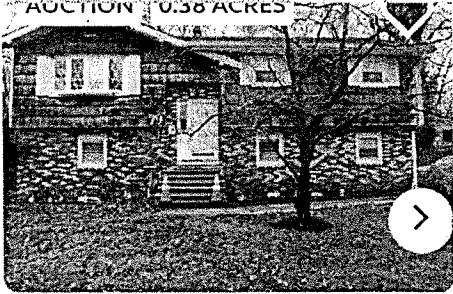
trulia



**\$449,000**  
3bd 2ba  
35 Ertle Ave,  
Spotswood, NJ 08884



**\$189,900**  
2bd 2ba  
134 Donald Ct #88,  
Spotswood, NJ 08884



**\$439,500**  
3bd 1.5ba 1,756 sq...  
79 Adirondack Ave,  
Spotswood, NJ 08884

Property Taxes and Assessment

Year	2021
Tax	\$9,834
Assessment	\$282,600

Home facts updated by county records

Price Trends

For homes in 08884

**\$393,329**  
Typical home value

**\$281**  
Typical Home Value by sqft

Price trends provided by third party data sources.

What Locals Say about Spotswood

- All
- Dog Owners
- Commute



< Spotswood

trulia



"Very small town. Can walk to many places. Close to highway and public transportation. Close to Monroe with many job opportunities"

1

Flag

## LGBT Local Legal Protections ⓘ

## Contact an Agent




This listing is brought to you by ServiceLink Auction

[Get auction details](#)

## Listing provided by

Customer Service [ServiceLink Auction](#)



 [Spotswood](#)

**trulia**



currently available for sale and was listed by ServiceLink Auction on Feb 4, 2022.

For Sale > [NJ](#) > [Spotswood](#) > [08884](#) > 206 Adirondack Ave



STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.  
0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 2 Lien Avoidance

Last revised: August 1, 2020

UNITED STATES BANKRUPTCY COURT  
District of New Jersey

In Re: Dean A Vitale, Sr.  
Patricia A Vitale

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Motions Included

☐ Modified/Notice Required

☐ Modified/No Notice Required

Date: \_\_\_\_\_

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.



Initial Debtor(s)' Attorney \_\_\_\_\_ Initial Debtor: DAV Initial Co-Debtor PAV

### Part 1: Payment and Length of Plan

a. The debtor shall pay \$200.00 Monthly for 60 months to the Chapter 13 Trustee, starting on May 1, 2022 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property  
 Description:  
 Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:  
 Description:  
 Proposed date for completion: \_\_\_\_\_

- ☒ Loan modification with respect to mortgage encumbering property:  
 Description: 206 Adirondack Ave, Spotswood, NJ 0884  
 Proposed date for completion: September 2022

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.  
 e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Otto J. Kostbar, Esq. OK7970	Attorney Fees	2,500.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim



pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Select Portfolio Servicing	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County	136,181.32	0.00	8,300.00	2,623.98

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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Internal Revenue Service	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County	4,565.14	426,800.00	None	4,565.14	0.00	0.00
Internal Revenue Service	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County	3,977.33	426,800.00	Internal Revenue Service - 4,565.14	3,977.33	0.00	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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#### Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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#### Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions** **NONE**

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ NONE  
The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Internal Revenue Service	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County		4,565.14	426,800.00	0.00	427,691.63	4,565.14
Internal Revenue Service	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County		3,977.33	426,800.00	0.00	428,279.44	3,977.33

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒  
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

- a. Vesting of Property of the Estate  
☒ Upon Confirmation  
☐ Upon Discharge



b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_

Explain below why the plan is being modified: \_\_\_\_\_

Explain below how the plan is being modified: \_\_\_\_\_

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: April 5, 2022

/s/ Dean A Vitale, Sr.

Dean A Vitale, Sr.

Debtor



Date: April 5, 2022

/s/ Patricia A Vitale

Patricia A Vitale

Joint Debtor

Date April 5, 2022

/s/ Otto J. Kostbar, Esq.

Otto J. Kostbar, Esq. OK7970

Attorney for the Debtor(s)



UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b) Otto J. Kostbar, Esq. OK7970 5 Stockton Avenue Jamesburg, NJ 08831 (732) 521-0335 Attorney for the Debtor	
In Re:  Dean A. Vitale Patricia A. Vitale	Case No.: <u>22-12769-CMG</u>  Chapter: <u>13</u>  Adv. No.: _____ Hearing Date: <u>9/21/2022</u> Judge: <u>Christine M. Gravelle</u>

### CERTIFICATION OF SERVICE

1. I, Carol Michalowski :
- ☐ represent \_\_\_\_\_ in this matter.
- ☒ am the secretary/paralegal for Otto J. Kostbar, who represents Dean A. Vitale & Patricia A. Vitale in this matter.
- ☐ am the \_\_\_\_\_ in this case and am representing myself.
2. On 8/30/2022, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.  
Chapter 13 Plan Transmittal letter, CMA, Chapter 13 Plan, Certificate of Service
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.
- Date: 8/30/2022 /s/ Carol Michalowski  
Signature



Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
United States Trustee One Newark Center, Ste 2100 1065 Raymond Blvd Newark, NJ 07102	United States Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101	Creditor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Albert Russo Chapter 13 Trustee CN 4852 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ecf</u> _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
United States Attorney Peter Rodino Federal Building 970 Broad Street, Ste 700 Newark, NJ 07102	United States Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
United States Attorney General Attorney General United States Department of Justice Ben Franklin Station PO Box 683 Washington, DC 20044	United States Attorney General	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)



Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Dean A. Vitale Patricia A. Vitale 206 Adirondack Avenue Spotswood, NJ 08884	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)